

May 12, 2003

Kenneth Payne, Chief
Marketing Programs Branch
AMS Livestock and Seed Program
USDA STOP 0251
1400 Independence Avenue, SW
Washington, DC 20250-0251

Comments on: LS-02-15

Dear Mr. Payne:

Michigan Pork Producers Association administers state programs in promotion, research and consumer information with assessments collected under the Pork Promotion, Research and Consumer Information Act of 1985. These comments are being submitted in response to the proposed rule that is focused on establishing the total number of pork producers and importers. This number will be utilized in determining if the 15 percent threshold level required in the Act for conducting a referendum has been met.

It appears the current focus of the rule is on remitters and this is certainly appropriate. However, it should be noted that there are small numbers of producers not complying with the requirements of the Act to checkoff their hogs and these individuals, as the law intended, should be counted.

In addition, there are many producers who have checkoff responsibilities and are not listed in public or private records. Checkoff remitters have customer lists, however, in some cases customers are not individual producers. They may be marketing groups, cooperatives or other types of marketing entities. It appears these various types of marketing groups need to be more adequately covered in the rules in order to identify all producers that are covered by the Pork Act.

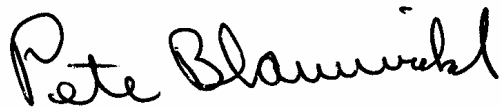
Significant numbers of feeder pigs are imported into Michigan and other border states from Canada. Since Canadian exports are subject to an assessment, Michigan Pork Producers Association believes the rule should encompass producers exporting animals from Canada as well as those receiving the animals as feeder pigs in the United States.

Again, Michigan Pork Producers Association would like to convey that using the list of remitters is appropriate, provides an excellent starting point for identifying producers and should be utilized. However, as alluded earlier, not all producers comply with the checkoff and unique marketing circumstances preclude some producers from being on

the remittance list. Consequently, Michigan Pork Producers Association encourages USDA to use other lists to identify producers also. These lists could include the 2002 Census of Agriculture and yearly agricultural statistics information, as well as state animal health records such as the list of participants in the Pseudorabies Eradication Program diagnostic effort. Other lists such as 4-H and FFA exhibition participants are undoubtedly available as well.

Finally, Michigan Pork Producers Association would like to reinforce the importance of the confidentiality of the lists that will be generated. For business reasons, the names should be kept confidential and not subject to FOIA requests. However, the universe of names should be shared with the National Pork Board and the state pork producer associations so they can comply with their responsibility to communicate with producers regarding the use of checkoff funds.

Sincerely,

A handwritten signature in black ink that reads "Pete Blauwiekel". The signature is written in a cursive, flowing style with a large initial "P".

Pete Blauwiekel
President, Michigan Pork Producers Association